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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SONOMA SPRINGS LIMITED  
PARTNERSHIP, a Nevada limited partnership,  
and SONOMA SPRINGS ASSOCIATES, LLC,  
a Nevada limited liability company,

Plaintiffs,

v.

FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND, a Maryland Corporation and  
ZURICH AMERICAN INSURANCE  
COMPANY OF ILLINOIS, a Maryland  
Corporation and DOES 1-20, inclusive,

Defendants

Case No.: 3:18-CV-00021-LRH-VPC

**STIPULATION AND ORDER  
REGARDING DISCOVERY**

IT IS HEREBY STIPULATED by and between Plaintiffs, SONOMA SPRINGS  
LIMITED PARTNERSHIP and SONOMA SPRINGS ASSOCIATES, LLC, (hereinafter  
collectively "Plaintiffs"), by and through their counsel of record, JAMES W. PUZEY, ESQ. and

1 AUDREY DAMONTE, ESQ., of HOLLEY DRIGGS WALCH FINE PUZEY STEIN &  
2 THOMPSON and Defendants, FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and  
3 ZURICH AMERICAN INSURANCE COMPANY OF ILLINOIS, (hereinafter collectively  
4 "Defendants") by and through their counsel of record, DAVID SLAUGHTER, ESQ., of SNOW  
5 CHRISTENSEN & MARTINEAU hereby stipulate as follows:

6 Ascent Construction, Inc. v. Sonoma Springs Limited Partnership, et al., is currently  
7 pending as Case No. CV21,053 in the Sixth Judicial District Court of the State of Nevada in and  
8 for the County of Humboldt (sometimes referred to as the "State case"). Sonoma Springs  
9 Limited Partnership, et al. v. Fidelity Deposit, et al. is currently pending as Case No. 3:18-CV-  
10 0021-LRH-VPC in the U.S. District Court for the District of Nevada (sometimes referred to as  
11 the "Federal case"). The Federal case, originally filed in the Sixth Judicial District Court in  
12 Humboldt County, Nevada, was removed to the United States District Court on January 18,  
13 2018, by Defendants, Fidelity and Deposit Company of Maryland and Zurich American  
14 Insurance Company of Illinois.

15 In the interest of judicial economy, and specifically to avoid or minimize the commitment  
16 of time and expense in the potential duplication of discovery and disclosures that may be  
17 relevant to both cases, the parties desire the flexibility of utilizing in both the Federal case and  
18 State case the documents and evidence obtained and/or produced through discovery in either the  
19 Federal and/or State cases, and to that end hereby stipulate and agree, as follows:

20 1. Without conceding relevance and subject to any objection based upon the  
21 admissibility of the evidence, including but not limited to hearsay objections, all deposition  
22 testimony and the exhibits of all deponents obtained in either the Federal or State case may be  
23 used as evidence in one or both of said cases.

24 2. The expert witness designations, expert reports and opinions, and expert witness  
25 rebuttals obtained in either the Federal or State case may be used as may be allowed under  
26 applicable rules of evidence, in either or both of said cases.

27 3. Without conceding relevance and subject to any objection based upon the  
28 admissibility of the evidence, including but not limited to hearsay objections, all of the

1 documents produced by either party or obtained pursuant to a Subpoenas Duces Tecum in either  
2 the Federal or State case may be used as evidence in one or both of said cases.

3 4. Without conceding relevance and subject to any objection based upon the  
4 admissibility of the evidence, including but not limited to hearsay objections, all of the  
5 documents produced by third parties via electronic means or portable data storage to which both  
6 parties have or may access in either the Federal or States case may be used in one or both of said  
7 cases.

8 5. Each witness designated as such in either the Federal or State case shall be treated  
9 as having been designated or disclosed as a witness in one or both of said cases.

10 6. Without conceding relevance and subject to any objection based upon the  
11 admissibility of the evidence, including but not limited to hearsay objections, all documents to  
12 which both parties have access through the construction management programs of ProCore and  
13 Submittal Exchange may be used as evidence in either or both of said cases.

14 Dated: January 10, 2019

Dated: January 10, 2019

15 **HOLLEY DRIGGS WALCH FINE**  
16 **PUZEY STEIN & THOMPSON**

**SNOW CHRISTENSEN & MARTINEAU**

17 */s/ James W. Puzeys*

*/s/ David W. Slaughter*

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Dated:

23 *Attorneys for Plaintiffs*

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*Attorneys for Defendants*

25 **IT IS SO ORDERED.**

**ORDER**

26 DATED this 15<sup>th</sup> day of January, 2019

27 David W. Slaughter  
28 UNITED STATES MAGISTRATE JUDGE